

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:06cr187

UNITED STATES OF AMERICA

vs.

PATRICIA PAULA CORBETT

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ORDER

**THIS MATTER** is before the Court upon motion of the defendant (Doc. No. 20) to reconsider the Court's order denying a continuance of the sentencing hearing in this matter (Doc. No. 19). Having considered the additional information in the instant motion, the Court finds that the defendant has not stated sufficient cause to alter the Court's previous ruling.

The defendant claims she received notice on March 16, 2007, that the hearing would be held on April 2, 2007. (Doc. No. 20: Motion at ¶ 1). Prior to that, however, she was notified on March 1, 2007, that the case could be scheduled for sentencing on or after March 12, 2007. (Doc. No. 17: Notification). Thus, in addition to that period of more than two-weeks' notice of the actual hearing date, she has had over a month to anticipate the sentencing proceedings in her case.<sup>1</sup> Her claim that "many witnesses" are unavailable "given the limited notice," (Doc. No. 20: Motion at ¶ 4), is contradicted by her assertion that a hearing could be set within 48 hours of a jury verdict in an unrelated case in which her attorney is co-counsel (Doc. No. 20: Motion at ¶ 5). The Court is not persuaded that such witnesses are unavailable with more than two-weeks' notice of the current date for sentencing, but would be available with 48 hours' notice following

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<sup>1</sup>Pursuant to Fed. R. Crim. P. 35, a Presentence Report must be disclosed 35 days prior to sentencing. Since the sentencing date could have been March 12, 2007, the defendant has been on notice of her upcoming sentencing since early February.

completion of the other case on an unknown date. While the Court is sympathetic with counsel's responsibilities as co-counsel in the other matter, the Court finds that counsel has had sufficient time to prepare for the hearing in this matter since February 2007 and that the defendant will not suffer any prejudice from conducting the hearing on the date scheduled at a time when the other case is in recess.

**IT IS, THEREFORE, ORDERED** that the defendant's motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: March 28, 2007

  
Robert J. Conrad, Jr.  
Chief United States District Judge

